GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:5866
ANSWERED ON:11.05.2012
DEFINITION OF CHILD
Rai Shri Prem Das

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

(a) whether there is disparity in the definition of child with respect to age in various legislations dealing with child welfare;

(b) if so, the details thereof;

(c) whether the Government proposed to correct this anomaly by bringing uniformity in the definition of child; and

(d) if so, the details thereof?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a)&(b): Yes Madam. The various laws affecting children in the country have adopted different definition related to age of child. These include:

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The Child Labour (Regulation and Prohibition) Act, 1986:  14 years
The Plantation Labour Act, 1951:     14 years
The Bidi and Cigar Workers Act, 1966:     14 years
The Motor Transport Workers Act, 1961:     14 years
The Factories Act, 1948:      15 years
The Juvenile Justice (Care and Protection of Children) Act, 2000: 18 years
The Indian Majority Act, 1875:                                    18 years
The Guardian and Wards Act, 1890:                              18 years
The Mines Act, 1952:                                    18 years
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(c)&(d): The United Nations (UN) Convention on the Rights of the Child defines a 'child' as every human being below the age of 18 years. The UN Committee on Child Rights has recommended for a uniform definition of the child. However, the Convention also allows for minimum age to be set, under different circumstances, balancing the evolving capacities of the child with the State's obligation to provide special protection.
Harmonization of definition of 'child' under different Acts and policies is a continuous exercise and requires extensive consultations and discussions with all stakeholders.